

ORIGINAL

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2018 JUN -1 AM 11:25

DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

NO. 3:18-CR-6-D

JERRY DEWAYNE COX (21)

**FACTUAL RESUME**

In support of Cox's plea of guilty to the offense in Count 19 of the Third Superseding Indictment, Cox, the defendant, Tim Menchu, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

**ELEMENTS OF THE OFFENSE**

To prove the offense alleged in Count 19 of the Third Superseding Indictment, charging a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), that is, Possession with Intent to Distribute a Controlled Substance, the government must prove each of the following elements beyond a reasonable doubt:<sup>1</sup>

- First.* That the defendant knowingly possessed a controlled substance;
- Second.* That the substance was in fact a mixture or substance containing a detectable amount of methamphetamine; and
- Third.* That the defendant possessed the substance with the intent to distribute it.

**STIPULATED FACTS**

1. On or about December 2017 and January 2018, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Jerry Dewayne Cox**,

<sup>1</sup> Pattern Crim. Jury Instr. 5th Cir. 2.93 (2015).

knowingly possessed with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(C).

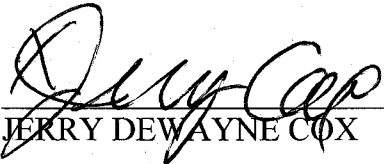
2. More specifically, on in or about December 2017, in the Dallas Division of the Northern District of Texas, Cox was in possession of approximately 3.44 grams of methamphetamine, which he possessed with an intent to distribute it. When encountered by law enforcement, Cox attempted to discard this methamphetamine to avoid detection. In addition, in January 2018, Cox sold approximately four ounces of methamphetamine to another individual, identified here as co-defendant V.F.

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3. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count 19 of the Third Superseding Indictment.

AGREED TO AND STIPULATED on this 31<sup>st</sup> day of May, 2018.

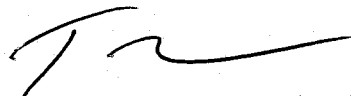
ERIN NEALY COX  
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JERRY DEWAYNE COX

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